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U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA.

2002-B-620-N

DEBBIE RHODES,))
)	
Plaintiff,)	
)	
vs.))
)	
SOUTHEAST WAFFLES, LLC)	
d/b/a WAFFLE HOUSE, and)	
DEWEY PAUL,))
)	
Defendants.)	

**MOTION TO DISMISS TITLE VII CLAIMS
AGAINST INDIVIDUAL DEFENDANT DEWEY PAUL**

Comes now Defendant Dewey Paul and respectfully moves this Court to dismiss Plaintiff's claims against him as the Complaint fails to state a claim against him upon which relief may be granted. Plaintiff alleges that in violation of Title VII, 42 U.S.C. § 2000e, she suffered discrimination on the basis of her sex with respect to the terms and conditions of her employment, because of the Defendants' creation of a sexually hostile work environment (Count I). The law in this circuit is well settled that there is no individual liability under Title VII. *Edwards v. Wallace Community College*, 49 F.3d 1517 (11th Cir. 1995); *Cross v. Alabama*, 49 F.3d 1490 (11th Cir. 1995); *Busby v. Orlando*, 931 F.2d 764 (11th Cir. 1994); *Hamm v. Lakeview Community Hosp.*, 950 F. Supp. 330, 333 (M.D. Ala. 1996). Thus, Plaintiff's claims against Defendant Dewey Paul should be dismissed.

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Respectfully submitted this 20th day of September, 2002.



One of the Attorneys for Defendants
SouthEast Waffles, LLC d/b/a Waffle House and
Dewey Paul

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing upon the following counsel of record by placing same in the United States Mail, postage prepaid and properly addressed this the 20th day of September 2002:

Richard D. Lively
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Of Counsel